UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/357,764	07/21/1999	GUY NATHAN	871-63	9715

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER
HUYNH, SON P

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
		09/357,764	NATHAN, GUY
Office Action Summary		Examiner	Art Unit	
		Son P. Huynh	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 April 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April

13, 2006 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 11-16 have been considered but are

moot in view of the new ground(s) of rejection.

Claims 1-10 have been canceled.

Claim Objections

3.   Claims 11-16 are objected to because of the following informalities:

Claim 11:

line 7, the limitation "said jukebox device" should be changed to – **said jukebox**

devices --

line 13, the limitation "a jukebox device" should be changed to – **one of said**

jukebox devices –

In line 10-11, the limitation "each of said remote controls" should be changed to –

each of said remote control device --

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5.   Claims 11-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention.

Claim 11, lines 24-28, recites the limitation "**a storage location that stores the**

defined identification code for use in **comparing** the control code comprising the

remote control device identification code and/or **the server identification code with**

the defined code identification code stored on the jukebox to determined whether

or not the jukebox will respond to control code from the remote control code" that

is not supported by the specification. Instead, the specification discloses the remote

control code stored by the reproduction system... the remote control code is stored in an

integrated circuit (I button) – see page 10, lines 1-18). This disclosure correspond to "a

remote control code storage mechanism..." as claimed in claim 11, lines 19-20. The

specification also discloses every subsequent time the remote control is used, the

operating system verifies the identification code of the remote control unit that has just

transmitted a signal containing the stored code. If the two code (code just transmitted by

the remote control and identification code transmitted by the remote control and stored

in learning mode)- see page 10, lines 6-14). However, the specification does not

disclose "a storage device that stores the defined identification code" (code transmitted

by remote control in subsequent time after learning mode) as claimed in claim 11. The

specification also merely discloses a second code of second remote control unit is

stored by one audiovisual reproduction system. This second code can be transmitted to

each audiovisual reproduction system using the central server and the distribution

network (page 10, lines 19-25). This disclosure corresponds to "a server code storage

mechanism that stores a server identification code...". However, the specification does

not discloses comparing the "defined identification code...", which is received after

learning mode, with the "server identification code" as claimed in claim 11.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

7.   Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Nathan et al. (WO 96/12258) in view of Goldstein (US 5,410,326) and Cohen (US

6,198,408).

Since U.S 2003/0031096 claims WO 96/12258 as foreign application priority

data, the US 2003/0031096 hereinafter referred to as a translation of the WO 96/12258.

Regarding claim 11, Nathan et al. teaches a jukebox system, comprising:

a plurality of jukebox devices (one shown in figure 1), wherein each jukebox

device includes a microprocessor (CPU 1), a storage device (21) for storing audiovisual

information that can be reproduced by the jukebox device in response to user request,

an audio system (5,53,54) for playing audio, a visual display (61) for displaying video,

and a communication system (i.e. modem 41) for enabling the jukebox to communicate

through an audiovisual distribution network (network connected to central server-

paragraphs 0043- 0057, 0072 – figure 1);

a server (central server) remote to the jukebox devices that provides services to

the jukebox devices, wherein the server and the jukebox can communicate with each

other through the distribution network (see including, but is not limited to, figure 1,

paragraph 0053);

a plurality of remote control devices (31) for the jukebox devices, each of the

remote control device:

comprising a remote transmitter (i.e. infrared transmitter – paragraphs 0056-0060) that

is associated with a receiver connected to a control circuit of the jukebox device (i.e.

infrared receiver in input control circuit 3 to receive signal transmitted from remote

control – see including, but are not limited to, figure 1, paragraphs 0058-0060);

being operable to control one of the jukebox devices when the jukebox device

recognizes a control code comprising a defined identification code (e.g. command code

comprising registration number) transmitted from the remote control device (see

including, but are not limited to, figures 1-2, paragraphs 0075-0081, 0087-0106);

at least one jukebox of the plurality of jukebox devices further comprising:

a remote control code storage mechanism that stores the identification code

(registration number and other information such as software series number, name of the

establishment, etc. entered when it is activated for the first time or when approval for a

new registration -in registration mode- paragraphs 0075-0076);

Nathan further discloses task scheduling module for scheduling the tasks and the

tasks are queued and organized in priority order (paragraphs 0129-0147). In "in service"

mode, the jukebox only performs the requested function when the registration number is

validated (paragraphs 0076-0077, 0129). Inherently, the jukebox comprises a storage

location that stores the defined identification code (e.g. registration number or code in

the signal received from remote control device in "in service" mode) for use in

comparing the stored identification code with the defined identification code (e.g.

registration number or code in the signal received from remote control device and

stored in "in service" mode) to determine whether or not the jukebox will respond to the

control code from the remote control device.

Nathan further discloses using the different keys of the remote control device to

control different functions of the jukebox device such as audio volume control of the

played selections, microphone start/stop command, etc. (see including, but are not

limited to, paragraphs 0087-0120). Inherently, the remote control device comprising a

key that triggers, when actuated, a signal comprising only the defined identification code

which facilitates the storing of this defined identification code by the jukebox on the first

use of the remote control unit (for example, activating a key for volume down in

registration mode/learning mode, and the code associated with this key is sent to the

jukebox in the first use and stored. Subsequently use of this key will only send code that

commands the jukebox to perform volume down control). Nathan additionally discloses

each remote control device being provided for controlling a plurality of functions of the

jukebox device (volume down control, volume up control, microphone start/stop, etc. –

paragraphs 0087-0107). However, Nathan does not specifically disclose storing a

remote control device identification code sent by the associated remote control device;

a server code storage mechanism that stores a server identification code sent by the

server, the server identification code identifying another remote control device.

Cohen discloses a remote control code storage mechanism that stores a remote

device identification code sent by the associated remote control device (storage device

for storing remote control device unique code sent from remote control device in Learn

Mode for use in Operation mode– col. 1, line 36-col. 2, line 17). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

improve security and to minimize accessing by unauthorized user (e.g. due to loss of

password/pin). However, Nathan in view of Cohen does not specifically disclose a

server code storage mechanism that stores a server identification code sent by the

server, the server identification code identifying another remote control device.

Goldstein discloses a unique identification code assigned to each remote control

device is downloaded from the head end cable system to the cable converter box. Only

a remote control device that has an ID number verified by the cable TV converter will be

able to control the cable TV converter (read on comparing the codes). Goldstein also

discloses if the user has two remote controls in his household, one may be assigned to

a converter in the bedroom, while another may be assigned to the family room... The

cable converter may download a second ID received from the cable system, identifying

the remote as belonging either to the bedroom or family room...(col. 4, line 55-col. 5,

line 42). Thus, Goldstein discloses server code storage mechanism that stores a server

identification code sent by the server, the server identification code identifying another

remote control device (remote control code of second remote control ID to cable

converter. Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Nathan in view of Cohen to use the teaching as

taught by Goldstein in order to reduce degree of difficulty for users (col. 1, lines 31-63)

and to improve security (col. 3, lines 1-11, col. 5, lines 1-42).

Regarding claim 12, Nathan in view of Cohen and Goldstein discloses the system as

discussed in the rejection of claim 11. Cohen further teaches each of the converter

device include a learning mode that enables the identification code (identification code

for the button/command) to be obtained from the remote control and stored on the

converter device 100 when the specific key (button on the remote control unit) is

actuated and stored on the electrical appliance (see figures 2, 3A and col. 1, line 36-col.

2, line 7, col. 4, line 54-col. 5, line 7).

Regarding claim 13, Nathan in view of Cohen and Goldstein discloses the system as

discussed in the rejection of claim 11. Nathan also discloses the remote controls

multiple functions and all setting of the jukebox (col. paragraphs 0087-0107, 0116).

Inherently, the remote control is operable to activate and deactivate the jukebox device.

Alternatively, Cohen further teaches the remote control transmitter is operable to

activate and deactivate (on/off) the converter device 100 (see col. 2, lines 15-17).

Regarding claim 14, Nathan in view of Cohen and Goldstein discloses the system as

discussed in the rejection of claim 11. Nathan further discloses the jukebox comprises a

payment device (fee payment device 35) and the remote control controls multiple

functions and all setting of the jukebox (col. paragraphs 0087-0107). It is obvious that

the remote control is operable to activate and deactivate a payment device on the

jukebox device to improve convenience.

Regarding claim 15, Nathan in view of Cohen and Goldstein discloses the system as

discussed in the rejection of claim 11. Cohen further teaches the learning mode as

discussed in the rejection of claim 12. It is obvious that the learning mode is

incorporated into an operating system of the television device in order to provide

convenience for user to operate the system. However, Nathan in view of Cohen and

Goldstein does not specifically disclose the Learning mode being triggered by touching

a special button displayed on the display device of the jukebox. Official Notice is taken

that using touch screen to display buttons that allow user to instruct the display device

to perform different functions is well known in the art. For example, the user uses touch

screen to perform system configuration, to perform data selection, etc. Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify Nathan in view of Cohen and Goldstein to use the well-known teaching

in the art in order for the user to select data displayed on the screen easily.

Regarding claim 16, Nathan in view of Cohen and Goldstein discloses the system as

discussed in the rejection of claim 11. Cohen further discloses the remote control device

has a plurality of keys (buttons) and operable to transmit a control code comprising an

identification code (control code comprising identification code of the button/command)

and at least one code of key that has been used (not available, or used for controlling

the operation of another appliance (col. 4, lines 54-65). Cohen further discloses

comparing the control code comprising the identification code (for the

button/control/command) sent by the remote control stored on the appliance to

determine whether the appliance will respond to the codes from the remote control (if

matched, perform the function. If not, the electrical appliance will not respond by display

blink – col. 4, line 54-col. 55, line 7).

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Martin (WO 91/20082) discloses system for remoting managing a plurality of computer

jukeboxes at different locations from a centralized location.

Tedesco et al. (US 6,421,651) discloses method and apparatus for priority based

jukebox queuing.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Son P. Huynh whose telephone number is 571-272-
7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone
number for the organization where this application or proceeding is assigned is 571-
273-8300.

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USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh   June 22, 2006

CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600